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BEFORE THE
ILLINOIS COMMERCE COMMISSION

CENTRAL ILLINOIS LIGHT COMPANY)	DOCKET NO.
d/b/a AmerenCILCO)	09-0306
)	&
CENTRAL ILLINOIS PUBLIC SERVICE)	09-0307
COMPANY d/b/a AmerenCIPS)	&
)	09-0308
ILLINOIS POWER COMPANY)	&
d/b/a AmerenIP)	09-0309
)	&
Proposed general increase in)	09-0310
electric delivery service rates.)	&
(Tariffs filed June 5, 2009))	09-0311
)	
Proposed general increase in gas)	CONSOLIDATED
delivery service rates.)	
(Tariffs filed June 5, 2009))	

Springfield, Illinois
Thursday, August 6, 2009

Met, pursuant to notice, at 1:00 p.m.

BEFORE:

MR. JOHN ALBERS, MS. LISA TAPIA, MR. J. STEPHEN
YODER, Administrative Law Judges

SULLIVAN REPORTING COMPANY, by
Carla J. Boehl, Reporter
CSR #084-002710

1 APPEARANCES: (Continued)

2 MS. JENNIFER LIN
Office of General Counsel
3 160 North LaSalle, Suite C-800
Chicago, Illinois 60601
4 Ph. (312) 793-8183

5 (Appearing via teleconference
on behalf of Staff of the
6 Illinois Commerce Commission)

7 MS. KRISTIN MUNSCH
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8 Assistant Attorneys General
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9 Chicago, Illinois 60601
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10 (Appearing via teleconference
11 on behalf of the People of the
State of Illinois)

12 MR. ERIC ROBERTSON
13 LUEDERS, ROBERTSON & KONZEN
1939 Delmar Avenue
14 P.O. Box 735
Granite City, Illinois

15 (Appearing via teleconference
16 on behalf of the Illinois
Industrial Energy Consumers)

17 MS. JULIE SODERNA
18 Attorney at Law
309 West Washington, Suite 800
19 Chicago, Illinois 60606
Ph. (312) 263-4282

20 (Appearing via teleconference
21 on behalf of the Citizens
Utility Board)

22

1		<u>I N D E X</u>			
2					
3	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
4	None .				
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13		<u>EXHIBITS</u>			
14					
15				<u>MARKED</u>	<u>ADMITTED</u>
16	None .				
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May we have the appearances for the
record, please? We will start in Springfield.

MR. FITZHENRY: Edward Fitzhenry. My address is 1901 Chouteau Avenue, St. Louis, Missouri 63166-6149 on behalf of the Ameren Illinois Utilities.

JUDGE ALBERS: And on the phone?

1 MS. SODERNA: Julie Soderna on behalf of the
2 Citizens Utilities Board, 309 West Washington, Suite
3 800, Chicago, Illinois 60606.

4 MS. FONNER: Cynthia Fonner representing
5 Constellation New Energy, Inc., 550 West Washington,
6 Suite 300, 60661.

7 MS. MUNSCH: Kristin Munsch and Karen Lusson
8 representing the People of the State of Illinois, 100
9 West Randolph Street, 11th Floor, Chicago, Illinois
10 60601.

11 MR. STREETER: Bill Streeter representing the
12 Grain and Feed Association of Illinois, 124 Southwest
13 Adams in Peoria, Illinois 61602.

14 MR. ROBERTSON: Eric Robertson, Lueders,
15 Robertson and Konzen on behalf of
16 Archer-Daniels-Midland Company, Tate & Lyle,
17 Caterpillar, Air Products, Cargill, U.S. Steel,
18 Illinois Cement, Olin Corporation, Viscofan USA,
19 University of Illinois and Linde NA. My address is
20 -- I can't remember it, 1939 Delmar, Granite City,
21 Illinois, P.O. Box 735.

22 MR. BALOUGH: Appearing on behalf of the City

1 of Champaign, Illinois, Richard C. Balough, Balough
2 Law offices, LLC, 1 North LaSalle Street, Suite 1910,
3 Chicago, Illinois 60602.

4 JUDGE ALBERS: Any others?

5 MS. LIN: Jennifer Lin, I obviously just walked
6 in and they already entered my appearance.

7 JUDGE ALBERS: Sure. Any others? Let the
8 record show no response. I have a few preliminary
9 matters to go through, as you might imagine. Then
10 you will have the opportunity any parties would like
11 to raise.

12 First let me do the Petitions to
13 Intervene that we have received so far. We received
14 on July 9 Citizens Utility Board in all six dockets,
15 on July 10 a Petition to Intervene from the Grain and
16 Feed Association of Illinois in all six dockets, on
17 July 15 a Petition to Intervene from Kroger Company
18 in the three electric dockets, on July 16 a Petition
19 to Intervene from the AG's office in all six dockets,
20 on July 21 a Petition to Intervene from
21 Archer-Daniels-Midland Company, Tate & Lyle
22 Ingredients Americas, Inc., and Caterpillar, Inc., in

1 one or more of the six dockets as the Illinois
2 Industrial Energy Consumers.

3 On July 30 a Petition to Intervene was
4 received from City of Champaign in Docket 09-0308.
5 Also on July 30 we received a Petition to Intervene
6 from AARP in all six dockets. On August 3 we heard
7 again from the Illinois Industrial Energy Consumers
8 and this time with the one by Linde NA, Inc., Air
9 Products and Chemical Company, Inc., Cargill, Inc.,
10 United States Steel Corporation, Illinois Cement
11 Company, Olin Corporation, Viscofan USA, Inc., and
12 University of Illinois in one or more of the dockets.
13 And then on August 5 we received a Petition to
14 Intervene from Constellation New Energy in the three
15 electric dockets.

16 Is there any objection to any of those
17 Petitions to Intervene? Hearing none, they are all
18 granted.

19 On July 15 we also received a Motion
20 for Admission Pro Hac Vice from Michael Kurtz, Kurtz
21 Boehm, on behalf of Kroger Company. I don't recall
22 them entering an appearance. However, is there any

1 objections to them appearing on behalf of Kroger?

2 Hearing none, that motion is granted.

3 And similarly we received a request
4 from Mr. Coffman on behalf of the AARP and I don't
5 recall him entering an appearance as well. Any
6 objection to him appearing on behalf of AARP?

7 Hearing none, then that motion is also granted.

8 We have four outstanding motions from
9 Ameren I will identify for the record, the Motion to
10 Consolidate, first. We didn't receive any objections
11 to that and assuming there are none, we will go ahead
12 and grant that motion to consolidate.

13 On the 27th of July we received a
14 Motion for Leave to File Supplemental Direct
15 Testimony. We received no objections regarding that
16 motion so again we will grant that.

17 We have also received on the 24th of
18 July a Motion for a Case Management Order and
19 Coordinated Schedule and a Motion for Entry of a
20 Protective Order. We won't be ruling on those today.
21 We will do that -- we will have a written ruling
22 shortly, today or tomorrow, maybe Monday. But anyone

1 have a question about the protective order motion?
2 Was the AG the only one that had concerns about the
3 protective order? Is that right?

4 MR. FLYNN: As far as, this is Chris Flynn for
5 the benefit of the people on the phone. As far as I
6 know, that's correct, Judge.

7 JUDGE ALBERS: Okay. Thank you. Was there any
8 other comments or questions about either the
9 protective order or the case management plan?

10 MS. VON QUALEN: Your Honor, directly before
11 the status, the prehearing, was called, I spoke to
12 the Company in regards to the verifications. There
13 was some dispute between Staff and the Company as to
14 how the verifications should be handled.

15 I believe the Company and Staff are
16 now in agreement that, instead of providing separate
17 verifications for each response to the data request,
18 the fact that the Company puts the name of a witness
19 or an individual on who responds to the DRs will
20 serve as a verification. Their name as the author of
21 the responsibilities will indicate that they prepared
22 the response or they were prepared under their

1 direction or control, that they have personal
2 knowledge of the information stated in the responses
3 and the response is true, correct and complete to the
4 best of their knowledge.

5 This would avoid the necessity for all
6 the paperwork and notarization which the
7 verifications amount to, but would still give Staff
8 the certainty that by them providing the information
9 they were also verifying that it was true and
10 accurate.

11 JUDGE ALBERS: Okay. Would you suggest
12 inclusion in the case management plan language
13 indicating that by signing the response to the DR
14 that they are indicating what you just said?

15 MS. VON QUALEN: Yes. I do think it should be
16 in the case management order so that's clear. And I
17 did bring a copy of -- basically what I did was
18 created what our verification generally says that we
19 have them sign, and I can give you a copy of that.

20 JUDGE ALBERS: Let me ask the parties, does
21 everyone understand what Ms. Von Qualen just recited?
22 Are there any questions about what she just said?

1 MR. FLYNN: Judge, this is Chris Flynn again.
2 No, we have no objection to that. We are in
3 agreement. It has always been our intent to provide
4 truthful responses and we would agree that it's
5 appropriate for the case management order to reflect
6 language that indicates that so that each party
7 understands that, when it provides a data request
8 response, here is what it is saying to the other
9 parties about the information that is being provided.
10 I only take issue with Ms. Von Qualen
11 because she said there was a dispute between the
12 Staff and the Company on this, and it was more of a
13 disagreement. It didn't rise to the level of the
14 hostility required for a dispute.
15 JUDGE ALBERS: If there is no other questions
16 or for that matter objections to what Ms. Von Qualen
17 has spelled out, we will go ahead and fold something
18 like that into the case management plan. And if you
19 could give me, just loan me that copy, you don't have
20 to do it right now, but at some point so I can get
21 the right language into the record. Okay, thank you.
22 MR. FLYNN: Judge, one more thing, when you

1 were following up with Ms. Von Qualen, I think you
2 used the term when an individual signs a data request
3 response. Most of these would be, if not all of
4 them, simply have the witnesses name not physically
5 signed but put somewhere on it. So if that's what
6 you mean by signature, that's fine.

7 JUDGE ALBERS: Right, yes.

8 MR. FLYNN: Signed electronically.

9 JUDGE ALBERS: Whichever person's name is
10 there.

11 MR. FLYNN: Is represented as being the
12 individual responsible for the response, is verifying
13 the response according to the terms of the case
14 management plan.

15 JUDGE ALBERS: Right, whichever individual that
16 is.

17 MR. FLYNN: Yes.

18 JUDGE ALBERS: Okay. All right. Thank you for
19 that.

20 Moving on then, there is no other
21 comments about the case management plan and
22 protective order.

1 MS. VON QUALEN: This is Jan Von Qualen again.
2 I did have one clarification about Staff's response.
3 And in the response which I signed it is stated that
4 the Attorney General's office was in agreement with
5 Staff on the schedule, and I just want to make clear,
6 I know that the Attorney General's office is on the
7 phone but we did receive an e-mail to that effect
8 prior to filing the response. I guess I understand
9 now that they have changed their position on the
10 schedule, but I just want to make it clear that Staff
11 wasn't making that up.

12 MS. MUNSCH: Your Honor, this is Kristin Munsch
13 for the People and, yes, so far as Ms. Von Qualen is
14 saying, we had reached sort of a tentative agreement
15 on that, and then based on other cases and scheduling
16 that had happened in the meantime, we adopted a
17 different position. It was our fault. We should let
18 Staff know that. At the time they filed their
19 response she was correct.

20 JUDGE ALBERS: Thank you. Just some general
21 comments then regarding going forward with this
22 matter and then I think all of you have probably

1 already heard this by now but I will just state it
2 again for the record. The City of Champaign is a
3 party in this case. I will point out that I did
4 clerk for the City of Champaign 13 years ago and
5 probably should stop mentioning that now. But if
6 anyone has any questions about that, please feel free
7 to raise those.

8 I also wanted to confirm that all are
9 willing to accept service of documents via e-mail.
10 Unless you object to taking documents via e-mail, I
11 will take your silence for you are all right with
12 getting them via e-mail. Also, unless someone is
13 unable to e-mail a document to the three ALJs, we
14 would prefer that you send it to us via e-mail. So
15 don't send us hard copies unless we go ahead and ask
16 for it. Then when you are e-mailing testimony, any
17 briefs, I think this is covered in the case
18 management order but I just want to reiterate, please
19 send Word versions of those documents to the three of
20 us.

21 With regard to marking any data or
22 testimony confidential and proprietary, I just want

1 to point out the three of us will be taking a narrow
2 view of what is to be considered proprietary.

3 And, finally, we will state right now,
4 please do not submit panel testimony unless you ask
5 for permission to do so first, and then just explain
6 why you think you really need to do that. And please
7 give us that motion well enough in advance for us to
8 rule on it before you file your testimony.

9 Does anyone have any questions about
10 anything I have just gone through? Do the parties
11 have any of their own matters they would like to
12 raise at this time? Okay. Well, this is pretty
13 simple and straight forward, almost too easy.

14 Well, with that, since we are not
15 going to spell out a schedule for today, why don't we
16 just continue this generally and then we will send
17 out a ruling very shortly with the date on when we
18 will meet again next time. So with that, continued
19 generally.

20 (Whereupon the hearing in this
21 matter was continued generally.)

22